

Board of Contract Appeals
General Services Administration
Washington, D.C. 20405

December 23, 2005

GSBCA 16704-RELO

In the Matter of DOMENICANGELO D'ANGELLA

Domenicangelo D'Angella, Tampa, FL, Claimant.

Judy Hughes, Travel Management and Procedures Office, Defense Finance and Accounting Service, Department of Defense, Columbus, OH, appearing for Department of Defense.

BORWICK, Board Judge.

Domenicangelo D'Angella, claimant, seeks reconsideration of our decision in Domenicangelo D'Angella, GSBCA 16704-RELO (Nov. 22, 2005), sustaining the agency's decision to deny claimant reimbursement of real estate transaction expenses. For the following reasons, we deny reconsideration.

In his reconsideration motion, claimant argues that prior to the sale of his house, he was given official orders that "authorized me to sell" it. Claimant refers to the agency's travel authorization of March 13, 2001. Unfortunately, claimant misconstrues the authorization, which on its face did nothing more than allow the real estate transaction benefit pursuant to statute and regulation. We explained in our earlier decision that in claimant's case, as an overseas employee transferring back to a duty station in the continental United States, the benefit is only triggered by official notification the claimant would be transferring to a permanent duty station different from the one claimant had left. Claimant was officially notified of his transfer to a different duty station from the one he had left on October 21, 2004, well after the sale of his residence at his old duty station on May 30, 2001. D'Angella, slip op. at 3.

Claimant's former supervisor, Mr. Sonny Fann, now says that the travel authorization was based upon "full PCS entitlements which included the sale of [claimant's] house." The authorization of March 13, 2001, did not specifically authorize claimant to immediately sell his house; indeed, such an interpretation would violate statute and regulation and would result in an illegal authorization. Rosemary Schultz, GSBCA 16703-RELO (Oct. 18, 2005).

We must interpret and apply travel orders and authorizations in a manner consistent with statute and regulation. Carolyn K. Stiles, GSBCA 14443-TRAV, 98-2 BCA ¶ 29,798.

Claimant's motion for reconsideration is denied.

ANTHONY S. BORWICK
Board Judge